IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.23311 of 2004

Between:

VGS Education and Service Society,

Rep. by Secretary-cum-Correspondent,

P. Vijayavardhan Reddy
S/o P. Swamy Reddy,

R/o H. No. 50-761/9, Gayathri Estate,

Kurnool.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by Principal

Secretary to Government
School Education, Department, Secretariat Buildings,

Hyderabad.
2 The Chairman, State Level Standing Committee,

Commissioner and Director of the School Education,
Government of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly a Writ in the nature of Mandamus declaring the action of the respondents for not issuing No Objection Certificate to the

petitioner society for establishment of college education at Kurnool district is illegal and arbitrary and consequently direct the 1st respondent to issue
No Objection Certificate for establishment of College education at Kurnool District and to pass such other or further orders, as this Hon'ble Court may deem fit and proper in circumstances of the case.

Counsel for the Petitioner :Mr. S.GIRIMOJI RAO

Counsel for the Respondents :G.P. FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

The petitioner - society, in effect, seeks direction to the first respondent to issue 'No Objection Certificate' for establishment of B.Ed. College in Kurnool district.

The facts necessary for disposal of this writ petition are that the petitioner society made an application to the Regional Director, National Council for Teacher Education (NCTE), Bangalore, for grant of re-organisation for the establishment of new institution to conduct of B.Ed. course, and pursuant thereto, the petitioner was informed vide letter dated 21-04-2004 to obtain 'No Objection Certificate' from the State Government and comply with other conditions. The petitioner society approached the first respondent - Government of Andhra Pradesh by way of representation dated 18-09-2004 seeking 'No Objection Certificate' as required by the NCTE. The main grievance of the petitioner is that the 'No Objection Certificate' sought by it, was not granted.

Heard learned counsel for the petitioner and learned Government Pleader for School Education and at their request, the writ petition itself is taken up for hearing at the stage of admission.

Learned Government Pleader for School Education, on instructions, submits that, as on today, the respondents have not issued any notification calling for applications for issuance of such 'No Objection Certificates'.

The submission of the learned Government Pleader for School Education is taken on record. This Court cannot issue any direction to the respondents to consider the petitioner's application/representation unless and until there is notification calling for applications for issuance of 'No Objection Certificates'. As and when such notification is issued by respondents, the petitioner is at liberty to make an application for issuance of

'No Objection Certificate' along with relevant material in support of its claim. It is needless to mention that if such an application is filed/pending before the respondents, the same will have to be considered in accordance with law.

The writ petition is accordingly disposed of at the stage of admission.

15-12-2004

bsc

To

1 The Principal

Secretary to Government, School Education Department,
Government of Andhra Pradesh, Secretariat Buildings,

Hyderabad.
2 The Chairman, State Level Standing Committee,

Commissioner and Director of the School Education,
Government of A.P., Hyderabad.

3. 2CCs to Govt. Pleader for School Education, High Court buildings,

Hyderabad (OUT)

4. 2CD copies

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